

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 1:10-CR-68 (1)
	§	(Hon. Judge Marcia Crone)
LARRY DON MIDDLETON (1)	§	

ELEMENTS OF THE OFFENSE

You are charged in Count One of the indictment with a violation of 18 U.S.C. § 922(g)(1), possession of a firearm and ammunition by a felon.

The essential elements which must be proven, beyond a reasonable doubt, to establish the 18 U.S.C. § 922(g)(1) violation are:

1. That you knowingly possessed one or more of the firearms or any of ammunition charged in Count One of the indictment;
2. That before you possessed such firearm or ammunition, you had been convicted in a court of a crime punishable by imprisonment for a term in excess of one year, that is, a felony offense; and,
3. That the possession of the firearm or ammunition was in or affecting interstate or foreign commerce; that is, that before you possessed the firearm or ammunition, such firearm or ammunition had traveled, at some time, from one state to another or from another country into this one.

Respectfully submitted,

JOHN M. BALES
UNITED STATES ATTORNEY

/s/ Randall L. Fluke
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the forgoing was delivered this date by electronic transmission pursuant to the Local Rules of this Court to Mr. Bashist Sharma, attorney for the defendant in this case.

/s/ Randall L. Fluke

RANDALL L. FLUKE